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November 17, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Conf. No. 4274  
Art Unit: 2623  
Examiner: H.V. Tran

Re: U.S. Patent Application Serial No. 09/912,408 filed July 26, 2001  
Inventors: Lionel CASSIN *et al.*  
Title: Devices, Methods, and a System for Implementing a  
Media Content Delivery and Playback Scheme  
Atty. Dkt: 15235.007

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Response to Second Restriction Requirement; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 15235.007. A duplicate copy of this letter is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "T. E. Holsten".

Thomas E. Holsten (Reg. No. 46,098)  
Leslie L. Jacobs (Reg. No. 40,659)

Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Lionel CASSIN *et al.*

Appln. No.: 09/912,408

Filed: July 26, 2001

For: Devices, Methods, And a System for Implementing a Media Content Delivery and Playback Scheme

Confirmation No.: 4274

Art Unit: 2623

Examiner: Hai V. Tran

Atty. Docket: 15235.007

**Response to Second Restriction Requirement**

Mail Stop Amendment  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the second Office Action mailed October 19, 2006, Applicants submit the following.

Applicant thanks Examiner Tran for his courtesy during a telephonic interview on November 15, 2006, ("Interview"). During the Interview, Applicant's representative, Thomas E. Holsten, and the Examiner discussed the status of Application. The Examiner indicated that the Office erroneously used the incorrect Office Action Summary form PTOL-326AE, and that this Application is not under accelerated examination. The Examiner indicated that the Office would mail a corrected Office Action indicating the proper status of the Application.

The application presently contains claims 1-150. In the Office Action dated October 19, 2006, in response to the Applicants Response to Restriction Requirement filed August 1, 2006, the

Examiner withdrew claims 1-142 from consideration, and required Applicants to elect under 35 U.S.C. § 121 one of the alleged “single disclosed species, either Fig. 4 or Fig. 5 associated with Fig. 1.” Office Action at page 2.

The Office requires Applicants to elect a single disclosed species for prosecution on the merits. *Id.* Applicants respectfully traverse the election requirement and provisionally elect the subject matter of Fig. 5 as identified by the Examiner, including claims 148-150 for further prosecution. However, Applicants submit that the Patent Office has not proven that the search and examination of the entire application would impose an undue burden. Applicants submit that the complete examination would be handled most expeditiously by treating all of the pending subject matter as a single entity. As MPEP § 803 directs, “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” Applicants respectfully submit that the Examiner has not shown that a search and examination of the entire application would cause a serious burden. Rather, a serious burden would arise if the application were restricted.

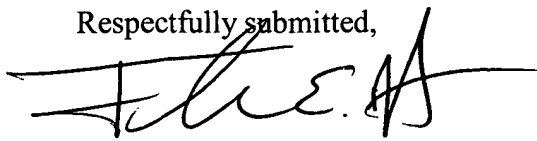
No serious burden is created for the Examiner by running a simultaneous computerized search of the subject matter identified, for example, in Fig. 4 and Fig. 5. A single search of the subject matter of Fig. 5, for example, would yield results of the subject matter of Fig. 4 without any undue burden on the Examiner.

Applicants submit that restriction to the subject matter of a single figure is improper and Applicants believe no serious burden would result by the search and examination of all of the

subject matter contained in the claims, but provisionally elect the species represented by Fig. 5 for further prosecution including the group of claims of 148-150.

Should the Examiner have any questions regarding this application, the Examiner is encouraged to contact Applicants' undersigned representative at (202) 942-5085.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Leslie L. Jacobs", with a long horizontal line extending to the right.

Filed: November 17, 2006

Leslie L. Jacobs (Reg. No. 40,659)  
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